

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIZRAIM BATISTA,

Case No.: 07 CV 6716  
WP4 MDF

Plaintiff,

-against-

MICHAELANGELO PAVERS UNLIMITED, INC.  
POLLACK, POLLACK, ISAC & DECICCO, LLP  
THE UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, ANDREA QUARANTILLO  
AS THE DISTRICT DIRECTOR OF THE UNITED  
STATES CITIZENSHIP AND IMMIGRATION  
SERVICES, AND THE UNITED STATES  
DEPARTMENT OF LABOR.

**ANSWER**

Trial by Jury of all  
issues is hereby demanded

Defendants.

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Defendant POLLACK, POLLACK, ISAAC & DECICCO, LLP, *pro se*,  
by DANIEL SHABASSON, ESQ., associate attorney, as and for its  
Answer to the Complaint herein, alleges as follows:

1. Makes no representation as to the veracity or accuracy of the allegations as contained in paragraphs 1, 7, 8 as these allegations constitute statements or interpretations of law rather than fact.
2. Denies knowledge or information sufficient to form a belief as to truth or falsity to the allegations contained in paragraphs 2, 3, 9, 10 and 11 of plaintiff's complaint.

3. Admits each and every allegation as contained in paragraphs 13 and 14 of Plaintiff's Complaint.
4. Declines to answer allegations in paragraphs 4, 5, 6, 15 and 17 of Plaintiff's Complaint as it calls for the answering defendant to reveal information that is protected by attorney-client privilege between the answering defendant and defendant Michaelangelo Pavers Unlimited, Inc.
5. Admits the allegation contained in the first clause of paragraphs 16 (up to the first semi-colon); denies the allegation contained in the second clause of paragraph 16 (subsequent to the first semicolon and up to the second semicolon); and makes no representation as to the veracity or accuracy of the allegation contained in third clause of paragraph 16 (subsequent to the second semicolon) as this allegation constitutes a statement or interpretation of law rather than fact.

**AFFIRMATIVE DEFENSES**

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

6. The information and documentation sought by the plaintiff is protected by attorney-client privilege existing

between the defendant herein and Michaelangelo Pavers, Inc., and potentially other individuals that the defendants represented in their immigration matters.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

7. The plaintiff's complaint fails to allege any legal basis for the plaintiff's alleged entitlement to the information and documentation sought.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

8. The plaintiff's complaint fails to state a claim upon which relief can be granted.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

9. Plaintiff's action is time-barred by applicable statutes of limitations.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

10. Plaintiff's appropriate remedy to obtain information or documentation is to make a request under the Freedom of Information Act to the New York State Department of Labor and/or United States Department of Labor.

**WHEREFORE**, Defendants demand judgment dismissing Plaintiff's complaint and for costs and disbursements in this action.

Dated: New York, New York  
September 4, 2007

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DANIEL SHABASSON, ESQ. (5740)  
Pollack, Pollack, Isaac  
& DeCicco, LLP, *Pro se*  
225 Broadway, Suite 307  
New York, NY 10007  
(212) 233-8100

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**RULE 7.1**  
**STATEMENT**

Defendants.

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Pursuant to federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Defendants POLLACK, POLLACK, ISAAC & DECICCO, LLP (a private non-governmental party), certifies that the following are corporate parents, affiliates and/or subsidiaries of said parties, which are publicly held:

**NONE**

Dated: New York, New York  
September 6, 2007

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DANIEL SHABASSON, ESQ.(5740)  
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**AFFIRMATION**  
**OF SERVICE**

Defendants.

-----X

I, Daniel Shabasson, declare under penalty of perjury that  
I have served a copy of the attached Answer upon Dominick  
Sorrentino, Esq., Attorney for the Plaintiff in the case of 07  
CV 6716, in compliance with the Federal Rules of Civil Procedure  
by mailing a copy to:

Dominick Sorrentino, Esq.  
Attorney for the Plaintiff  
12 Armand Place  
Valhalla, NY 10595

By First-class US mail on September 6, 2007.

Dated: New York, New York  
September 6, 2007

\_\_\_\_\_  
DANIEL SHABASSON, ESQ. (5740)  
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& DeCicco, LLP, *Pro se*  
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